

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DENISE PAYNE,

Civil Action No. 18-cv-1442 (GTS/ML)

Plaintiff,

v.

CORNELL UNIVERSITY,

Defendant.

**DECLARATION OF GABRIELLE M. VINCI, ESQ. IN OPPOSITION TO DEFENDANT
CORNELL UNIVERSITY'S MOTION FOR SUMMARY JUDGMENT**

GABRIELLE M. VINCI, ESQ. hereby declares subject to the penalties of perjury pursuant to 28 U.S. C. § 1746:

1. I am admitted to practice before this court and before the courts of the State of New York and am a member of the Bar of this Court. I am an associate at the law firm of Nesenoff & Miltenberg, LLP, attorneys for the plaintiff, Denise Payne ("Plaintiff").

2. I am fully familiar with the facts and circumstances set forth below based upon my personal knowledge and my review of the files maintained by Nesenoff & Miltenberg LLP.

3. I submit this Declaration in opposition to Defendant's Motion for Summary Judgment and to provide the Court with true and correct copies of the exhibits identified and referred to in Plaintiff's Opposition papers, as follows:

4. Exhibit 1 is a true and accurate copy of Plaintiff's Complaint filed in this action on January 2, 2019.

5. Exhibit 2 is a true and accurate copy of Plaintiff's deposition transcript.

6. Exhibit 3 is a true and accurate copy of the deposition transcript of Katherine Doxey.

7. Exhibit 4 is a true and accurate copy of the deposition transcript of Lucinda Allen.

8. Exhibit 5 is a true and accurate copy of letter correspondence dated August 13, 2018 to Plaintiff from the U.S. Equal Employment Opportunity Commission.

9. Exhibit 6 is a true and accurate copy of Plaintiff's offer letter dated September 23, 2016 from Cornell University.

10. Exhibit 7 is a true and accurate copy of Plaintiff's Flexible Work Agreement with an effective date of February 6, 2017 (referred to in Plaintiff's opposition papers as the "First Flex Agreement").

11. Exhibit 8 is a true and accurate copy of e-mail correspondence dated May 9, 2017.

12. Exhibit 9 is a true and accurate copy of Plaintiff's accommodation letter dated August 2, 2017.

13. Exhibit 10 is a true and accurate copy of Plaintiff's Flexible Work Agreement with an effective date of May 1, 2017 (referred to in Plaintiff's opposition papers as the "Second Flex Agreement")

14. Exhibit 11 is a true and accurate copy of Plaintiff's Flexible Work Agreement (referred to in Plaintiff's opposition papers as the "Third Flex Agreement").

15. Exhibit 12 is a true and accurate copy of e-mail correspondences between Plaintiff and Laura E. Seyer.

16. Exhibit 13 is a true and accurate copy of Cornell University's Policy 6.10.9, publicly available online at dfa.cornell.edu/sites/default/files/vol6-10-9.pdf (last accessed 4/14/2020).

17. Exhibit 14 is a true and accurate copy of e-mail correspondence from Plaintiff dated June 15, 2016.

18. Exhibit 15 is a true and accurate copy of e-mail correspondences between Plaintiff and Laura E. Seyer dated October 2, 2017, November 6, 2017, and November 8, 2017.

19. Exhibit 16 is a true and accurate copy of Plaintiff's e-mail correspondence to Lucinda M. Allen dated July 11, 2017.

20. Exhibit 17 is a true and accurate copy of e-mail correspondences between Plaintiff and Julie K. Weaver dated July 31, 2017.

21. Exhibit 18 is a true and accurate copy of Plaintiff's e-mail correspondence to Jill M. Tubbs dated August 14, 2017.

22. Exhibit 19 is a true and accurate copy of e-mail correspondences between Plaintiff and Jill M. Tubbs dated July 5, 2017.

23. Exhibit 20 is a true and accurate copy of e-mail correspondence from Plaintiff to Jill M. Tubbs dated May 10, 2017.

24. Exhibit 21 is a true and accurate copy of e-mail correspondences between Plaintiff and Julie K. Weaver dated June 30, 2017, July 5, 2017, and July 10, 2017

25. Exhibit 22 is a true and accurate copy of e-mail correspondences between Plaintiff and Tammy Lindsay dated May 12, 2017, May 15, 2017, and May 16, 2017.

26. Exhibit 23 is a true and accurate copy of e-mail correspondences between Plaintiff and Tammy Lindsay dated May 9, 2017.

27. Exhibit 24 is a true and accurate copy of e-mail correspondences from Plaintiff dated July 5, 2017.

28. Exhibit 25 is a true and accurate copy of e-mail correspondences from Plaintiff.

29. Exhibit 26 is a true and accurate copy of Plaintiff's Declaration in Opposition to Defendant Cornell University's Motion for Summary Judgment.

**Dated: New York, New York
April 14, 2020**

By: /s/ Gabrielle Vinci
Gabrielle M. Vinci, Esq.